

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

BUWLUS A. MUHAMMAD,

Plaintiff,

v.

U.S. MARSHALL SERVICE, MARSHALL  
BILL DOE, DEPUTY WARDEN VENCENT  
KANNINE, ATTY. DAVID A. SCHROEDER,

Defendants.

Case No. 1:07-cv-00027 Erie

**MEMORANDUM ORDER**

Plaintiff's complaint was received by the Clerk of Court on February 22, 2007, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's report and recommendation, filed on April 25, 2008, recommended that the Motion to Dismiss filed by Defendants U.S. Marshal Service and Marshal Bill Doe [Document # 36] be granted in part and denied in part. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff by certified mail at SCI Smithfield, where he is incarcerated, and on Defendants. No objections were filed. After de novo review of the pleadings and documents in the case, together with the report and recommendation and objections thereto, the following order is entered:

AND NOW, this 10<sup>th</sup> day of June, 2008;

IT IS HEREBY ORDERED that the Motion to Dismiss by Defendants U.S. Marshal Service and Marshal Bill Doe [Document # 36] is GRANTED in part and DENIED in part, as follows: the Motion to Dismiss is granted as to Defendant U.S. Marshal Service, and is denied as to Defendant Marshal Bill Doe.

The report and recommendation of Magistrate Judge Baxter, dated April 24, 2008, is adopted as the opinion of the court.

Maurice B. Cohill, Jr.

MAURICE B. COHILL, JR.  
United States District Judge

cc: Susan Paradise Baxter  
U.S. Magistrate Judge

all parties of record \_\_\_\_\_